

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – LAW DIVISION
MOTIONS SECTION

Law Motion Calendar R, Courtroom 2208

Judge Michael F. Otto

STANDING ORDER

Calendar R Email Address: Law.CalRcc@cookcountyil.gov

Table of Contents

1. Pre-Trial Conferences.....	1
2. General Provisions.....	2
3. Motions	3
• Routine and Agreed Motions	3
• Contested Motions	4
• Courtesy Copies	4
• Emergency Motions	5
4. Case Management Conferences	6
• Initial Case Management	6
5. Petitions to Approve Settlement	6
6. Self-Represented Litigants.....	7
7. S. Ct. R. 304(a) Language.....	7

1. Pre-Trial Conferences

(a) Judge Otto¹ has helped parties resolve hundreds of matters through pretrials, including personal injury claims, commercial matters, and chancery proceedings. He is available for pretrial settlement conferences on any matter, whether or not pending on Calendar R.

¹ Mediation Certificate, Northwestern University
Advanced Civil Mediation Certificate, National Judicial College

- (b) Parties may request a pre-trial conference through email to Judge Otto's clerk Morgan Kasmer (Law.CalRcc@CookCountyIL.gov), in person with Celine Christian, Courtroom Clerk for Courtroom 2208, or by speaking with Judge Otto.
- (c) As a general matter, Judge Otto prefers the parties to provide short memoranda at least two days in advance (contents see below). He can be flexible when there is urgency (*i.e.* incipient trial). Memos can be submitted confidentially or provided to the other side as each side sees fit. Contents should include:
 - (i) summary of the allegations, defenses, facts, claimed injuries, damages, and
 - (ii) the last demand, offer, and policy limits.
- (d) For matters pending on Calendar R, parties can simply email in an order setting the matter for pretrial *after receiving a date from court personnel*. As a general matter, for matters in the Law Division on other Calendars, parties should obtain a transfer order from the Presiding Judge (2005). For matters in other Divisions, parties should obtain a transfer order from the Presiding Judge of that Division to the Law Division. Again, Judge Otto can be flexible in order to assist the parties in urgent situations.

2. General Provisions

- (a) **Unless otherwise specifically ordered, all matters are heard in person in Courtroom 2208 at the Daley Center.**
- (b) Any email communications with the Court with respect to Calendar R matters or inquiring about a pretrial should be submitted to the Calendar R email address (Law.CalRcc@cookcountyil.gov) and should cc all parties who have appeared. Such email communication is **strictly limited** to:
 - (i) the submission of proposed agreed orders;
 - (ii) the submission of routine or agreed motions;
 - (iii) submission of courtesy copies for fully briefed motions;
 - (iv) scheduling (including pretrials); and
 - (v) other email communication expressly permitted by court order.
 - **Counsel, parties, and others may not use email for any other purpose. Any such emails may not be answered.**

- (c) Requesting Orders/Forms: Court entered orders may be obtained on the Clerk's portal as they are processed.

<https://cccportal.cookcountyclerkofcourt.org/CCCPortal/>.

3. Motions

(a) Routine and Agreed Motions: Motions and orders presented by agreement must be titled "Agreed." Agreed motions and orders may be submitted by email, cc'ing all parties, or may be presented at any scheduled case management conference to be reviewed by the Court. **Even agreed motions must be filed. Failure to attach a file stamped motion regarding a routine or agreed matter will result in the order not being entered until a filed motion is provided.** GAO 20-9 §3.6(B) defines routine motions. Examples of routine matters include, but are not limited to, motions to/for:

- Entry of fully executed HIPAA orders (must include the plaintiff's printed name, signature, and the signature of counsel for each party on record);
- Leave to vacate technical defaults;
- Leave to appear, answer, plead;
- Leave to file a first amended complaint (must specify how – adding parties, adding counts, adding allegations, etc.);
- Voluntary dismissal or certain parties or the entire case; and,
- Dismissals pursuant to settlement, except as noted immediately below (wrongful death/survival/minor cases). Any order dismissing a case pursuant to settlement must state whether voluntary mediation was or was not utilized in arriving at the settlement. (Pretrials with a sitting judge are not "voluntary mediation.") Dismissal orders should strike future court dates on Calendar R (include specific date). This Court is not authorized to strike trial dates or any dates set in Courtroom 2005, and such language should not be included. (Upon dismissal, 2005 dates will be stricken administratively.)

- (i) **Parties shall not submit as routine or agreed any orders dismissing wrongful death, survival, or minors' cases.** For Petitions to Approve settlement and dismissal of such matters, see **Section 4** below.

- (ii) Parties should not submit agreed orders to amend the Case Management Order unless previously authorized by the Court.
- (iii) Special process servers (“SPS”) no longer require court appointment.
- (iv) If any party objects to a routine motion, the movant must spindle it for presentment or may notice the routine motion to be piggy-backed to an upcoming hearing/status date- as set forth in 2(b) below.
- (v) **Movant must include a proposed order with their motion. Failure to do so will result in motion not being ruled on.**

(b) Contested Motions: Parties may “piggy-back” motions to previously scheduled court dates so long as they give all parties proper notice and provide the Court with a courtesy copy. Unless piggy-backing, parties **must** obtain a date and time for presentment of contested motions by spindling the motion through the Odyssey system.

- (i) Parties must provide the Court a physical courtesy copy of any motions scheduled for initial presentment **at least 3 court days in advance**. For motions attacking a pleading (motions to dismiss, to strike, for bill of particulars, etc.), the courtesy copy should include the pleading at issue.
- (ii) All parties should be prepared to address the motion at the time of presentment; a briefing schedule is not guaranteed, especially for non-dispositive motions.

(c) Courtesy Copies: Other than copies provided to the Court for presentment (see 2(b)(i) above), parties should not submit copies of any briefs relating to contested motions until all briefing is complete. Once briefing is complete, courtesy copies should adhere to the following guidelines:

- (i) Courtesy copies should be one complete set sent electronically to the Calendar R email, and one complete set of physical courtesy copies delivered to Room 2208. In the physical copy all exhibits must be tabbed, and all materials should be printed **double-sided**.

- (ii) All briefs shall be:
 - double-spaced with numbered pages;
 - typed in 12-point font;
 - with 1-inch margins.
- (iii) Absent leave of court the following page limits apply:
 - a. Initial brief (and memorandum in support, if separately filed): 15 pages total (exclusive of exhibits)
 - b. Opposition brief: 15 pages (exclusive of exhibits)
 - c. Reply brief: 7 pages
- (iv) Courtesy copies should include briefs and exhibits, if any. Case law should not be provided unless unavailable through LEXIS. Deposition transcripts should be submitted in mini-script format (four pages per side). Submit only **one** copy of any exhibit, pleading, or deposition.
- (v) Motions to strike briefs will be taken with the motion.

(d) Emergency Motions with a proposed order must be submitted via email and include an introductory paragraph stating the grounds for the emergency. Motions to amend the Case Management Order are generally not an emergency. See GAO 20-9 § 3.5(A) for what constitutes an emergency.

- (i) The movant must have an appearance on file and must give notice to opposing parties according to circuit court rules.
- (ii) **The movant should not notice themselves to appear before the Court to present the motion.** The court will review the motion when it is emailed to determine whether it constitutes an emergency and proceed accordingly (see below).
- (iii) If the Court determines that the matter is not an emergency the Court will inform the parties by email response. The motion may still be spindled or piggy-backed as a regular motion. If the Court finds an emergency and finds a hearing is not necessary, the Court will rule on the motion and advise the parties by email. Otherwise, the Court will set a prompt date for presentment.

4. Case Management Conferences

(a) Initial Case Management

- (i) At the initial case management conference, counsel should be prepared to address:
1. whether the case is a re-filing;
 2. whether all parties have been served, and;
 3. the known injuries and special damages at that point.

(b) The Court will enter a Case Management Order on the earliest practical date

(c) Attorneys should be prepared to present to the judge all prior case management orders at any case management conference.

(d) Cases may be screened at any CMC for transfer to First Municipal or referral to Law Division Arbitration based on case type and value. The Law Division arbitration program is described at Part 25 of the Local Cook County Rules on the Court's website.

5. Petitions to Approve Settlement

(a) Petitions to settle cases involving minors, disabled persons and survival and wrongful death claims shall be presented to the Court in hard copy by placing the **unfiled petition** in the basket outside of Courtroom 2208. Petitions to settle may also be provided to the Court via email, with all necessary exhibits and proposed settlement order. **Petitions must not be filed until approved by the Court.**

(b) Petitions shall include:

- (i) an itemized descriptive list of costs;
- (ii) a copy of the fee agreement or counsel's representation as to the contingency percentage;
- (iii) a description of all lien claims, even if the lien does not attach to the proceeds; and
- (iv) appropriate language where further probate proceedings are required.

- (c) Follow the requirements set out in Circuit Court Rules 6.4 and 6.5 and in FINAL PROCEDURES CONCERNING SETTLEMENT, MINORS' AND DISABLED PERSONS' PERSONAL INJURY CASES AND WRONGFUL DEATH CASES WITH SAMPLE ORDERS (March 2023), which can be found on the Court's website ([cookcountycourt.org](https://ocj-web-files.s3.us-east-2.amazonaws.com/orders/Final_Procedures_Disposition_Law_Probate_D1_March_2023.pdf?VersionId=xtilDk93vLbrY8hDcRLJznu2s.4haW2S))(https://ocj-web-files.s3.us-east-2.amazonaws.com/orders/Final_Procedures_Disposition_Law_Probate_D1_March_2023.pdf?VersionId=xtilDk93vLbrY8hDcRLJznu2s.4haW2S).

6. Self-Represented Litigants

- (a) Legal assistance can often be found via www.legalaidchicago.org or the Chicago Legal Clinic at (312) 726-2938 (24-hour Intake number) or via their website: www.gclclaw.org.
- (b) Self-represented or pro se litigants must comply with the relevant provisions of the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and Circuit Court of Cook County Rules. These rules can be found online at the following websites: www.ilga.gov and <https://www.illinoiscourts.gov/rules-law/supreme-court-rules>.

7. Supreme Court Rule 304(a) Language

- (a) No Ill. Sup. Ct. R. 304(a) language may be included in any order without express advance judicial authorization.

This standing order supplements, and where a conflict exists supersedes, the Law Division General Administrative Order 20-9. This Standing Order for Calendar R is subject to revision. Parties should check for an updated Standing Order from time to time to ensure they are following the current order.

So Ordered

Hon. Michael F. Otto